

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SCOTT JACKSON and MARIA JACKSON,  
Individually and on Behalf of All Others Similarly  
Situated,

Plaintiffs,

v.

EME HOMER CITY GENERATION L.P.; HOMER  
CITY OL1 LLC; HOMER CITY OL2 LLC; HOMER  
CITY OL3 LLC; HOMER CITY OL4 LLC; HOMER  
CITY OL5 LLC; HOMER CITY OL6 LLC; HOMER  
CITY OL7 LLC; HOMER CITY OL8 LLC; NEW  
YORK STATE ELECTRIC AND GAS CORP.;  
PENNSYLVANIA ELECTRIC ENERGY CO.;  
EDISON MISSION ENERGY; MISSION ENERGY  
HOLDING CO.; and EDISON INTERNATIONAL,

Defendants.

Civil Action No. 2:11-cv-28

Judge: Terrence F. McVerry

Electronically Filed

**EME HOMER CITY GENERATION, L.P., EDISON MISSION ENERGY,  
MISSION ENERGY HOLDING CO., AND EDISON INTERNATIONAL'S  
MOTION TO DISMISS**

---

Pursuant to Federal Rule of Civil Procedure 12(b)(6), defendants EME Homer City Generation, L.P., Edison Mission Energy, Mission Energy Holding Co., and Edison International move to dismiss all claims asserted against them in the complaint of plaintiffs Scott Jackson and Maria Jackson. For the reasons set forth in EME Homer City Generation, L.P., Edison Mission Energy, Mission Energy Holding Co., and Edison International's Memorandum in Support of their Motion to Dismiss, these claims fail to state a claim upon which relief can be granted.

Pursuant to Federal Rule of Civil Procedure 12(b)(2), defendants Mission Energy Holding Co. and Edison International also move to dismiss all claims asserted against them for

lack of personal jurisdiction, which ground for dismissal is also addressed in the referenced Memorandum in Support.

A proposed order is submitted herewith.

Dated: April 21, 2011

Stephen J. Bonebrake (*pro hac vice*, Ill. Bar No. 6209790)  
sbonebrake@schiffhardin.com  
Andrew N. Sawula (*pro hac vice*, Ill. Bar No. 6278383)  
asawula@schiffhardin.com  
SCHIFF HARDIN LLP  
233 South Wacker Drive, Suite 6600  
Chicago, Illinois 60606  
Telephone: (312) 258-5577  
Facsimile: (312) 258-5600

Respectfully submitted,

/s/ James M. Jones

James M. Jones (Pa. Bar No. 81295)  
jmjones@jonesday.com  
Rebekah B. Kcehowski (Pa. Bar No. 90219)  
rbkcehowski@jonesday.com  
JONES DAY  
500 Grant Street, Suite 4500  
Pittsburgh, Pennsylvania 15219-2514  
Telephone: (412) 391-3939  
Facsimile: (412) 394-7959

Daniel E. Reidy (*pro hac vice*, Ill. Bar No. 2306948)  
dereidy@jonesday.com  
Brian J. Murray (*pro hac vice*, Ill. Bar No. 6272767)  
bjmurray@jonesday.com  
JONES DAY  
77 West Wacker Drive, Suite 3500  
Chicago, Illinois 60601-1692  
Telephone: (312) 782-3939  
Facsimile: (312) 782-8585

Kevin P. Holewinski (Pa. Bar No. 50237)  
kpholewinski@jonesday.com  
JONES DAY  
51 Louisiana Avenue, N.W.  
Washington, D.C. 20001-2113  
Telephone: (202) 879-3939  
Facsimile: (202) 626-1700

*Attorneys for Defendants EME Homer City Generation, L.P.; Edison Mission Energy; Mission Energy Holding Co.; and Edison International*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 21, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, thereby submitting same for service upon all counsel of record at their e-mail addresses on file with the Court.

Dated: April 21, 2011

/s/ James M. Jones

*One of the Attorneys for Defendants EME  
Homer City Generation, L.P., Edison Mission  
Energy, Mission Energy Holding Co., and  
Edison International*